

## TOWN OF HARTFORD, VERMONT

### CONFLICT OF INTEREST POLICY

**Article 1. Purpose.** The purpose of this policy is to ensure that the business of the Town of Hartford (Town) will be conducted in such a way that no member of the Board of Selectmen (Board) or employee will gain a personal or financial advantage from his or her position. It is also the intent of this policy to insure that all decisions made by Board members and employees are based on the best interest of the community at large.

**Article 2. Definitions.** For the purposes of this policy, the following definitions shall apply:

**A. Conflict of interest** means any of the following:

1. A direct or indirect personal or financial interest of a Board member or employee, his or her spouse, partner in civil union, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the Board (to include all appointed Boards, Commissions or Committees) or an employee of the Town.

A "conflict of interest" does not arise when the interest is incidental to or when an employee's interest is no greater than that of other persons generally affected by the outcome of the matter;

The following conduct by a Board member or an employee of the Town creates either an actual or potential conflict of interest or the appearance of a conflict of interest and is therefore prohibited:

- a. Solicitation or acceptance of a gift or benefit from any vendor or potential vendor except items of a de minimus nature valued \$20 or less or gifts received by an individual if the gift is shared organization wide or made available for general use or consumption.
  - b. Solicitation or acceptance of a gift or benefit from any person or entity with a personal or financial interest in the outcome of a particular matter pending before the Board or employee.
  - c. The purchase, sale, exchange, or lease of goods, services or property to or from the Town unless done through public bid or auction.
  - d. Acting upon or providing to any person any information relating to Town's investment of assets or purchase of real estate prior to that information becoming public record.
  - e. Acceptance of a fee, gift or other benefit for providing information relating to the Town and its assets, obtained as a Board member or employee, whether insider or otherwise, to any other person.
  - f. Participation in any breach of fiduciary duty by another person subject to this Policy, participation in concealing such breach, or knowingly or negligently permitting such breach to occur.
  - g. Participation in a violation of this Conflict of Interest Policy by another person subject to this Policy, participation in concealing such violation, or knowingly or negligently permitting such violation to occur.
  - h. Acceptance of money, gifts or benefits in connection with any campaign for public office from any vendor, potential vendor or employee of the Town.
  - i. Any direct interest in the gains or profits of any investment or purchase made by the Town.
  - j. Direct or indirect use of the gains or profits of any investments made by the Town, for himself or herself or as an agent, for any purpose except to make current and necessary payments as are authorized by the Board.
  - k. Becoming an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the Town.
2. A situation where a Board member has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue; and
  3. A situation where a Board member has not disclosed ex parte communications with a party in a quasi-judicial proceeding involving the Town.
- B. Official act or action** means any act performed by any Board member or employee while acting on behalf of the Town within his or her scope of duties specified by law and/or policies adopted by the Board/Town or related job descriptions.
- C. Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority. An example of this proceeding is the role of the Board in an appeal of a grievance or disciplinary action under the Town's Personnel Policy/Charter.

### **Article 3. Disqualification.**

- A. A Board member or employee shall not participate in any official action if he or she has a conflict of interest in the matter under consideration, except as provided for under Articles 4 and 5 below.
- B. A Board member or employee shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Town, the Board of Selectmen or any of its various other Boards. Commissions, Committees, etc., if such Board member or employee has a conflict of interest in the matter under consideration, except as provided for under Articles 4 and 5 below.

**Article 4. Disclosures by Board Members.** A Board member who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the best interest of the membership at large in spite of the conflict of interest shall, prior to participating in any official action on the matter disclose to the Board of Selectmen at a Board meeting the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Such disclosure shall be recorded in the minutes of the meeting. Nevertheless, the Board retains the authority to ask that the member recuse himself or herself from the matter.

**Article 5. Disclosures by Employees.** An employee who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the best interest of the Town in spite of the conflict of interest shall, prior to participating in any official action on the matter disclose to his or her immediate supervisor the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the best interest of the Town. In the case of the Town Manager, he or she shall make such disclosure to the Board of Selectmen. Such disclosures shall be filed in the employee's personnel file. Nevertheless, in the case of an employee, the immediate supervisor or in the case of the Town Manager the Board of Selectmen retains the authority to order that the employee to recuse himself or herself from the matter.

### **Article 6. Recusal.**

- A. Any employee or official of the Town may request that a Board member or employee recuse him or herself due to a conflict of interest. Any such request shall be copied in writing or electronically to the employees Supervisor or to the Board of Selectmen as outlined above. Such request shall not constitute a requirement that the Board member or employee recuse him or herself.
- B. A Board member shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
  - 1. A Board member may recuse himself or herself from any matter in which he or she has a conflict of interest by his or her own action.
  - 2. If the Board finds that a member has a conflict of interest and he or she does not recuse himself or herself by his or her own action voluntarily, the Board shall have the authority to request a Board member to recuse himself or herself from the matter.
  - 3. A Board member who has recused himself or herself from a proceeding shall not sit with the Board, deliberate with the Board, or participate in that proceeding as a Board member in any capacity. The Secretary shall record the member "absent" or "abstaining" on any vote taken on the matter.
  - 4. If a previously unknown conflict is discovered during the Board's deliberations on a matter, the Board may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict.
- C. In the case of the Town Manager, the Board shall have the authority to order the Town Manager to recuse himself or herself from the matter if it finds that the Town Manager has a conflict of interest. The Board shall assume the responsibility for deciding the matter in question as may otherwise be allowed by Charter or State law.
- D. In the case of an employee other than the Town Manager, the Town Manager or supervisor shall have the authority to order that employee to recuse him or herself from the matter and shall assign the responsibility for deciding the matter in question to another staff person.

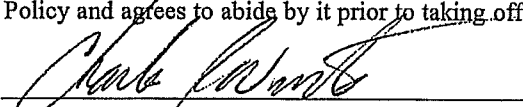
**Article 7. Enforcement; Consequences for Failure to Follow the Conflict of Interest Procedures.**

- A. In cases where the conflict of interest procedures above have not been followed, and a Board member or an employee acts in a matter in which the Board determines that he or she had a conflict of interest, the Board may take action to discipline a Board member or the Town Manager. Likewise, the Town Manager may take action to discipline any other offending employee.
- B. In the discipline of a Board member, the Board may take any of these steps:
1. Instruct the Chairman to meet informally, in private, with the Board member to discuss the conflict of interest violation.
  2. Meet to discuss the conduct of the Board member. Executive session may be used for such discussion, in accordance with 1 V.S.A. § 313(4). The Board member may request that this meeting occur in public. The board may admonish the offending Board member in private, if it deems it appropriate.
  3. If the Board decides that further action is warranted, the Board may upon majority vote admonish the offending Board member at an open meeting and reflect this action in the minutes of the meeting. The Board member shall be given the opportunity to respond to the admonishment.
  4. Upon majority vote, the board may request that the offending Board member resign from the board.
- C. In the discipline of the Town Manager, the Board shall follow standard employment disciplinary and discharge processes as outlined in the Town's Personnel Policy, etc.
- D. In the discipline of another employee, the Town Manager shall follow the Town's Personnel Policy and/or applicable Collective Bargaining Agreement(s) for discipline and discharge.

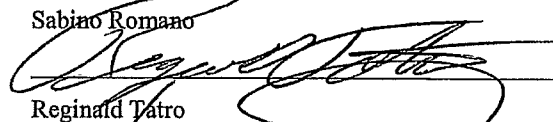
**Article 8. Exception.** The recusal provisions of this Policy shall not apply if the Board determines that an emergency exists and that actions of the Town otherwise could not take place. In such cases, a Board member or employee who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Articles 5 and 6.

**Article 9. Effective Date.** This policy shall become effective immediately upon its adoption by the Board of Selectmen and as otherwise required by the Town's General Personnel Policy. Each Board member and employee as of the effective date shall within thirty days following the effective date, sign and return a statement that he or she has read and understands the Policy and agrees to abide by it. Each new Board member and employee shall be provided a copy of this Policy and shall sign and return a statement that he or she has read and understands the Policy and agrees to abide by it prior to taking office or starting employment.

Adopted this 15<sup>th</sup> day of December, 2009:

  
Charles Wooster

  
Sabino Romano

  
Reginald Tatro

  
Michael Bettis

Board of Selectmen  
Town of Hartford